

RECEIVED

MAY 11 2004

Agent Docket No. 1391

HJ

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application 10/052,865 filed 01/17/02 : Date 05/01/2004
to inventor Henry O. Walcott : Art Unit 2858
for IMPROVED RANGE RESISTORS FOR AC-DC TRANSFER MEASUREMENTS
from provisional application 60/362,242, filed 01/17/2001.
Status: PETITION FOR REVIVAL Rule 1.137(a) mailed 04/09/2004 with
preliminary amendment and copy of the missing abstract. Received
PTO response from Charles Steven Brantley, Petitions Attorney,
mailed 04/23/2004.

REQUEST FOR RECONSIDERATION

PETITIONS BRANCH
MAIL STOP 313
COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir,

Regarding the above-identified application and responsive to
the PTO Office response mailed 04/23/2004, dismissing the above-
identified petition, petitioner/agent hereby respectfully
requests reconsideration based on the further information
provided herewith.

In particular, regarding the 18 applications and 11 patents
listed by the Petitions Attorney in item (3) under Analysis,
these have all been correlated with agent's four digit Docket
numbers, and have been investigated from agent's computer data
base and the hanging docket files, with the following results:

Applications intentionally allowed to become abandoned:

10/388,807 #1414
09/766,172 #1367
09/709,881 #1335
09/580,061 #1363
09/549,076 #1326
09/549,076 #1326
09/406,471 #1334
09/406,471 #1334
09/406,471 #1334
09/406,471 #1334
09/358,799 #1302
09/352,276 #1309
09/215,808 #1269
09/019,529 #1299
08/932,654 #1294
08/898,507 #1249
08/897,257 #1235
08/888,584 #1234

Patents intentionally allowed to become abandoned:

5818672 #0983
6084165 #1099
5724434 #0980
5737123 #0981
5596371 #0974
5533132 #0972
5499154 #0970
5664023 #0976
5561583 #0973
5486914 #0969

Patent not abandoned on agents' watch

6,050,625 #1313 issued 04/18/00 to Charles Richard Nisbet for TABLE TENNIS BALL RETRIEVING AND DISPENSING SYSTEM: Agents' queries on uspto.gov confirmed the Petitions Attorney's finding that "it is not clear if this has expired", After exhaustive attempts to find out the expiry status of this patent on the uspto.gov web site with no more success than the Petitions Attorney, agent attempted to contact patent holder Nisbet but he is no longer at his previous telephone number.

Expiry for non-payment of the current maintenance fee would have occurred on 04/18/2004, the fourth anniversary of the patent issue date. However, the questions of whether this patent has expired, and if so, whether the expiry was intentional, are moot with regard to the present petition matter since agents' responsibility for payment of Maintenance Fees terminated on 10/25/01 with the sign-off by the patent holder of agents' document ELECTION REGARDING PATENT MAINTENANCE FEES (copy attached).

Application never abandoned

09/052,535 #1289: The Petitions Attorney's statement "(abandoned more than once)" is incorrect. There is no abandonment found in the records of the PTO or of the agent in this application or in patent 6,006,875 to which the application matured. There was an agent-sponsored doubly-petitioned request to have the cover sheet of the patent reprinted to add missing assignee information: this involved return and replacement of the grant patent copy. There was no cost or loss of patent effectiveness to the patent-holder.

Application abandonment withdrawn by PTO

09/967,529 filed 09/20/01 Docket 1361 for DUAL MODE INDIRECT FLOURESCENT LIGHTING FIXTURE: abandonment 07/23/2003 (originally triggered unnecessarily by an obvious typo error and then

compounded by a "comedy of errors" hopefully untypical of either the PTO or the agent) was withdrawn by Rule 1.9(b) petition granted 10/20/2003 with the PTO Specialists comment: "In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the instant file". This application has now matured to patent 6,648,030. There was no cost to the inventor/patent holder on this, and no actual impact from the delay.

"Unintentional" abandonment revived

08/821.820 #12 10/313,843 filed 12/09/02 Docket 1410 for BISTABLE LONG STROKE ELECTROMAGNETIC MECHANICAL ACTUATOR was revived from 07/22/2003 abandonment by Rule 1.137(b) petition granted 08/21/2003.

Since agent at all times strives earnestly for a level of error avoidance that exceeds the PTO "unavoidable" standard, agent would normally have filed a Rule 1.137(a) petition in this case as "unavoidable": however, in this particular case, agent instead chose "unintentional" under 1.137(b) and paid the \$590 fee difference in order to expedite prompt revival and thus minimize any potential business exposure or other impact on the small-entity entrepreneur clients, who were at that time coping with an unfortunate combination of circumstances including ongoing critical initial business negotiations regarding the invention and a debilitating illness that forced the inventor/partner to retire from full time work and relocate to Europe.

Agent took immediate and full responsibility to revive this application ASAP at no cost to applicants; there was no negative impact from delay, thanks to agent choosing the fastest (and most costly) petition route.

This application has now matured to patent 6,639,496, issued 10/28/2003.

REMARKS

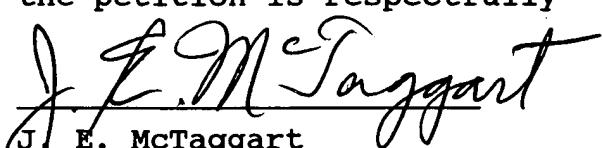
The foregoing items account for all 18 applications and 11 patents listed by the Petitions Attorney and in view of subject petition, petitioner finds nothing in these 29 items that could be considered inconsistent with the information provided in the original petition filed 04/09/04.

The few incidents of error or omission that have occurred are deeply regretted by the agent; these were, amongst a large number of ongoing error-free activities, rare anomalies that, when discovered, were remedied as promptly as possible by the agent, in accordance with his code of ethics both as a registered professional engineer and as a U.S. patent agent, at substantial penalty to himself in money and time, at no cost and fortuitously no negative impact to the clients involved, with whom the agent has subsequently continued to enjoy a mutually satisfactory and beneficial business relationship.

Petitioner believes that taken as a whole, the 04/09/2004 petition along with the present request for reconsideration, show clearly that as a sole proprietor engineer and U.S. patent agent he is a reasonable and responsible person who regards and treats patent matters with the care and diligence they deserve, as his most important business, and that, like the USPTO, he has evolved a system designed to prevent errors and strives to utilize the system as diligently as possible and to continuously improve, refine and upgrade the system and his own activities toward the goal of "zero defects" error avoidance.

Reconsideration and grant of the petition is respectfully and earnestly requested.

by


J. E. McTaggart
Agent for the applicant
Registration No. 29,754
1860 Eastman Avenue, Suite 105
Ventura, CA 93003

Tel. 805 339 0456

COPY

ELECTION REGARDING PATENT MAINTENANCE FEES

Agent Docket No. 1313

**In re : U.S. patent #6,050,625 issued 04/18/00
for TABLE TENNIS BALL RETRIEVING AND DISPENSING SYSTEM
by Inventor Charles Richard Nisbet
address: 21279 Entrada Rd., Topanga, CA 90290
status: MF1 due 10/18/03**

I am the owner of the above identified U.S. patent; my election regarding the administration of maintenance fees in subject patent is indicated by marking one of the following two boxes;

* I hereby elect to have patent agent J.E. McTaggart, PTO reg. no. 29,754, to attend to payment of the maintenance fees. My address for agent correspondence is as shown above, or as follows:

I hereby elect as owner to directly handle the maintenance fees in this patent, and request the agent to change the PTO address of record for maintenance fees to that shown above, or as follows:

Signed

Date 10-25-01

NOTE Please make your election, sign and return this form in the accompanying self-addressed envelope.

* One-time \$100.00 Agent fee enclosed.

pgw